

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-4, 8-9 and 11-12 are pending in this application.

Objections to the Specification:

The Abstract of the Disclosure and the Disclosure were objected to because of various informalities. The Abstract and the Disclosure have been amended in accordance with the Examiner's helpful suggestions. Applicant therefore requests that the objections to the Abstract and the Disclosure be withdrawn.

Objections to the Claims:

Claims 1-3 and 5-10 were objected to because the phrase "for requesting for activating the second task" is unclear. Applicant has amended the claims in accordance with the Examiner's helpful suggestions. Applicant therefore respectfully requests that the objections to the claims be withdrawn.

Rejections Under 35 U.S.C. §103:

Claims 1, 3-7 and 9-10 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Shan (U.S. '329) in view of Karlak (U.S. '175). Applicant respectfully traverses this rejection with respect to still pending claims 3-4 and 9.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Shan and Karlak fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest, *inter alia*, "outputting an activation request to an operating system for requesting activation of the second task; and executing, when the second task is activated by a processing of the operating

system based on the activation request, a data retrieving within the processing of the second task so that the data item stored in the queue is retrieved from the queue,” as required by independent claim 3.

In particular, page 6 of the Office Action alleges that “Karlak discloses a method of outputting activation requests to an operating system for activating and executing the second task (Par. 17, ln. 11-12, agent determines activation request for indicating second task & Par. 117, ln. 1, where indicator can be the Operating System).” Par. 17, ln. 11-12 of Karlak discloses “When the agent determines that the computer is ready to accept another subtask, it queries the single queue, and, starting at the head of the queue, searches for a subtask associated with a computer type that matches the type it maintains.” Par. 117, ln. 1 of Karlak states “In one embodiment, of the indicator is an operating system command line described above.” Neither of these portions of Karlak make any reference to an activation request, let alone a second task (which receives a data item sent from a first task) activated by a processing of an operating system based on the activation request. That is, this portion of Karlak fails to resolve the admitted deficiency of Shan with respect to the claimed activation request, and activation of the second task for data retrieval based on the activation request.

Moreover, the combination of Phan and Karlak also fails to teach or suggest “wherein, when a transmission request occurs, it is determined whether a given activation request for requesting for activating the second task is present in the operating system, wherein, when the given activation request is present in the operating system, no given activation request for requesting for activating the second task is then outputted, wherein, when no given activation request is present in the operating system, the given activation request for requesting for

activating the second task is then outputted, and wherein, within the data retrieving within the processing of the second task, all data items that can be retrieved from the queue is retrieved from the queue,” as required by independent claim 3. The Office Action apparently alleges that paragraph [0119], lines 1-7 of Karlak teaches this limitation. Applicant respectfully disagrees. Paragraph [0119], lines 1-7 states “If retriever 612 does not locate an indicator having a type matching the type or types stored in type storage 614 from the first queue selected, retriever 612 retrieves another queue location, if any, from the queue location storage 622 and repeats the process above for that queue. This process of selection is repeated for all of the queues in queue location storage 622.” Similar to the discussion above, this portion of Karlak has absolutely nothing to do with an activation request, let alone the processing relating to the activation request as claimed.

The combination of Shan and Karlak also fails to teach or suggest “wherein, within the data retrieving within the processing of the second task, all data items that can be retrieved from the queue is retrieved from the queue,” as further required by independent claim 3. The Office Action alleges that col. 5, lines 53-58 of Shan discloses this limitation. Applicant respectfully disagrees. Col. 5, lines 53-58 of Shan states “If it is not empty, the processing returns to Step 210 to process the next message in the sending queue 46. When it is finally determined in Step 212 that the sending queue is indeed empty of messages, processing proceeds to Step 214, in which the contents of the buffer 48 are sent as a single packet across the network 32 to the receiving node 34, and the buffer 48 is cleared.” This portion of Shan clearly deals with a sender (i.e., first) task, not a second task which receives a data item from the first task. In short, this portion of Shan relates to a sender task, not a recipient task.

The above comments with respect to independent claim 3 apply to new claim 11. Similar comments also apply to independent claim 9. Applicant therefore respectfully requests that the rejection of claims 3 and 9 be withdrawn.

Claims 2 and 8 were rejected under 35 U.S.C. §103 under the three way combination of Shan, Karlak and further in view of Gilbert (U.S. '122). Applicant respectfully traverses this rejection. Independent claim 2 shares in common a number of limitations with independent claim 3. For example, like independent claim 3, independent claim 2 requires “outputting an activation request...” and “executing, when the second task is activated by a processing of the operating system based on the activation request, a data retrieving...” As discussed above, the combination of Shan and Karlak fails to teach or suggest these limitations. Similarly, the combination of Shan and Karlak also fails to teach or suggest “wherein, within the data retrieving within the processing of the second task, all data items that can be retrieved from the queue is retrieved from the queue.” Again, col. 5, lines 53-58 of Shan refer to a sender task transmitting all the data, and not a recipient task.

Page 15 of the Office Action admits that Shan and Karlak fails to disclose “wherein, when a transmission request that a given data item be sent occurs, it is determined whether the queue stores a certain data item that is being already stored before the given data item is to be stored, wherein, when the certain data item is being already stored before the given data item is to be stored, no activation request is then outputted,” as required by independent claim 2. Gilbert fails to resolve this admitted deficiency of Shan and Karlak. The Office Action alleges that col. 2, line 52-56 of Gilbert discloses the above-noted limitations. Applicant respectfully disagrees with this allegation. Col. 2, lines 52-56 states “If pending flag register indicates that the queue

already contains an item for a given process or set of processes at the same priority level or a higher one, then it is unnecessary to generate a queue item for that process (or set of processes).” This portion of Gilbert relates to determining whether an item is present in a queue, and when the item is present, the number of items stored is limited. In contrast, the above-noted limitations of claim 2 relate to determining whether an activation request is to be issued or not, not for limiting the number of items (data) stored in a queue as in Gilbert. Similar comments apply to independent claim 8 and new independent claim 12.

Applicant thus respectfully requests that the rejection over the three way combination of Shan, Karlak and Gilbert be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Raymond Y. Mah
Reg. No. 41,426

RYM:dmw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100